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6

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF ARIZONA

9	Dora Dean Mike, Deceased, by Larry Mike, )	CIV-06-866-PCT-EHC
10	Plaintiff, )	
11	vs. )	PLAINTIFF'S RESPONSE TO
12	Office of Navajo and Hopi Indian )	DEFENDANT'S CROSS-MOTION
13	Relocation, an administrative agency of )	FOR SUMMARY JUDGMENT
14	the United States, )	AND
15	Defendant. )	PLAINTIFF'S REPLY TO
	_____ )	DEFENDANT'S RESPONSE TO
		PLAINTIFF'S MOTION FOR
		SUMMARY JUDGMENT

16 With the Memorandum of Points and Authorities attached, Plaintiff respectfully responds  
17 to the Defendant's Cross-Motion for Summary Judgment and replies to the Defendant's  
18 Response to Plaintiff's Motion for Summary Judgment.

19 Respectfully submitted this 27<sup>rd</sup> day of March, 2007.

20 NAVAJO-HOPI LEGAL SERVICES PROGRAM

21  
22 s/Betsy Lynn Snow  
23 Attorney for Plaintiff  
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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2007, I electronically transmitted Plaintiff's Response to Defendant's Cross-Motion for Summary Judgment and Plaintiff's Reply to Defendant's Response to Plaintiff's Motion for Summary Judgment to the Clerk's Office using the ECF system. A Notice of Electronic Filing was also transmitted to the following ECF registrant, and a courtesy copy provided by mail:

Patrick J. Schneider  
Assistant U.S. Attorney  
Two Renaissance Square  
40 N. Central Avenue, Suite 1200  
Phoenix, Arizona 85004-4408

A courtesy copy of the Response and Reply and Notice of Electronic Filing was also provided Judge Carroll.

s/Betsy Lynn Snow  
Navajo-Hopi Legal Services Program

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Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Dora Dean Mike, Deceased, by Larry Mike, )	CIV-06-866-PCT-EHC
Plaintiff, )	
vs. )	MEMORANDUM OF POINTS AND
Office of Navajo and Hopi Indian )	AUTHORITIES IN SUPPORT OF
Relocation, an administrative agency of )	PLAINTIFF'S RESPONSE AND
the United States, )	REPLY
Defendant. )	

ARGUMENT

1. PLAINTIFF LARRY MIKE'S TESTIMONY THAT HE RESIDED IN ROCK SPRINGS, NEW MEXICO TEMPORARILY YET MOVED PURSUANT TO THE NAVAJO-HOPI SETTLEMENT ACT IS NOT INCONSISTENT AND DOES NOT REQUIRE ANY FACTUAL AMBIGUITIES TO BE RESOLVED IN HIS FAVOR.

Defendant cites the case of Lavinia Yannie Whitehair v. ONHIR, CIV-94-1113-PHX-PGR (August 10, 1995) for the proposition that under the general trust responsibility federal agencies have toward tribes, all factual doubts need not be resolved in favor of the Native American relocation benefits applicant. Defendant's Cross-Motion for Summary Judgment, 1. Plaintiff agrees and asserts that the trust responsibility requires broadly-construed statutes with ambiguities *in those statutes* resolved in the Native American's favor. See Rockbridge v. Lincoln, 449 F.2d 567 (1972); Memorandum of Points and Authorities in Support of Plaintiff's

1 Motion for Summary Judgment (hereinafter “Plaintiff’s MPA for MSJ”), 13-14.

2 In Lavinia Yannie Whitehair v. ONHIR, the Court found inconsistent testimony by the  
3 Plaintiff, some of which supported ONHIR’s denial of relocation benefits. Ms. Whitehair  
4 testified on one occasion that the hogan she occupied was dismantled prior to her graduation  
5 from high school in 1985, probably about 1982. (Tr. 6, 9, AR 27; Federal District Court  
6 Decision, 4). On another occasion, she testified along with her aunt and father that the hogan  
7 was dismantled two years before the hearing in 1988. (Tr. 5, 13, 17, AR 27; Federal District  
8 Court Decision, 6). At issue was whether she became a head of household before she moved  
9 from the Hopi Partitioned Land. Because that did not occur prior to her graduation from high  
10 school in 1985<sup>1</sup>, ONHIR denied her claim, and the Federal District Court agreed.

11 In the instant matter, no such inconsistent testimony exists. Although Defendant asked  
12 on multiple occasions whether Larry Mike and his wife decided to move to Rock Springs, New  
13 Mexico at the time of their marriage in June, 1973, Larry’s answer was always, “no.” Tr. at 26,  
14 32, 34, AR 122, 128, 130. Larry testified that the couple wanted to build in Jeddito in 1973, but  
15 since they could not, waited to see what would happen with the land dispute. *Id.* at 26, AR 122.

16 Larry’s testimony that he planned on working in Rock Springs after completing his  
17 education in Oakland, California is entirely consistent with his later testimony that no body shop  
18 work existed in Jeddito. Tr. at 43, AR 139. Dora’s work for four employers in Gallup between  
19 1973 and 1987<sup>2</sup>, and the fact that the family did their banking, obtained driver’s licenses and  
20 educated their children in Gallup<sup>3</sup> is also consistent with the lack of these services and amenities  
21 in Jeddito and on the Navajo Reservation generally. *See* Plaintiff’s MPA for MSJ, 12-13. In  
22 conclusion, Plaintiff’s testimony that he lived in Rock Springs during the week for employment  
23 purposes, yet returned to Jeddito on the weekends is entirely consistent with his later permanent

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25 <sup>1</sup>See Federal District Court Decision at 3.

26 <sup>2</sup>Tr. 27-28, AR 123-124; Plaintiff’s Statement of Facts, 4.

27 <sup>3</sup>Tr. 36-37, 53; AR 132-33, 149.

1 move to Rock Springs in 1978.

2  
3 2. THE TRUST RESPONSIBILITY REQUIRES ONHIR'S  
4 RESIDENCY REQUIREMENT IN 25 CFR §700.147(a)(2)  
5 TO BE BROADLY CONSTRUED, THUS ENCOMPASSING  
6 THE "TEMPORARILY AWAY" STANDARD COMMONLY  
7 APPLIED IN RELOCATION BENEFITS CASES.

8 No regulations in the CFR or in ONHIR's Management Manual prohibit the use of the  
9 "temporarily away" standard for legal residency in "Moved Pursuant to the Act" cases. In fact,  
10 ONHIR's Plan Update recognizes the necessity of linking cultural traditions and economic  
11 realities to the Congressional intent of the relocation program. In defining "residency," the  
12 Agency considered both "actual" or "continual" occupancy of the JUA, and "legal residency"  
13 where individuals could be "temporarily away, but maintained substantial, recurring contact."  
14 Id. at 7. This latter interpretation was preferred because it took into consideration the fact that  
15 many residents left temporarily to seek employment, job training or other opportunities. Id.

16 In Morton v. Ruiz, 415 US 199 (1974), cited in Plaintiff's MPA for MSJ for the  
17 proposition that federal agencies should consider an individual's economic and social  
18 circumstances in applying residency standards, the testimony of Assistant BIA Commissioner  
19 Zimmerman at the 1959 Senate Hearing authorizing BIA expenditures found "[o]pportunities for  
20 self-support on or near [Indian] reservations wholly inadequate." Morton v. Ruiz, 415 US 199,  
21 288. Economic opportunities in Jeddito in 1974 were not significantly better than in 1959. *See*  
22 Plaintiff's MPA for MSJ, 11-13.

23 3. DEFENDANT'S INSISTENCE THAT THE PLAINTIFFS COULD  
24 NOT HAVE "MOVED PURSUANT TO THE ACT" DESPITE THE  
25 ADVICE OF THEIR ELDERS AT THE 1973 WEDDING  
26 CEREMONY TURNS NAVAJO CULTURE ON ITS HEAD AND  
27 IGNORES THE REALITIES OF LIFE ON THE JUA IN 1973.

28 The Navajo wedding ceremony is a sacred event.<sup>4</sup> Nellie Mike's extensive testimony on

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26 <sup>4</sup>"It is the right and freedom of the people that the sacred bonding in marriage and the  
27 unity of each family be protected." Navajo Nation Council Resolution CN-69-02 at 5  
(November 13, 2002) attached as Exhibit 1.

1 the families' participation in the Mikes' wedding echoes the reverence Navajo elders are given.  
2 *See* Tr. at 47, AR 143. Such reverence has been officially recognized.<sup>5</sup> To insist that the Mikes  
3 ignore their elders' advice regarding events happening around them in 1972 and 1973 requires  
4 they turn their back on their culture and the entire Dine way of life.

5 While no evidence exists that Plaintiffs' relatives were officials with the Navajo Nation  
6 or possessed more than anecdotal knowledge of the events occurring on the FJUA in 1972-73, it  
7 is undisputed that a number of events preceded the passage of the Act itself. These included a  
8 building freeze and livestock reduction program, the latter mandating cancellation of all FJUA  
9 grazing permits. *See* Plaintiff's MPA for MSJ, 10-11. The fact that Plaintiffs' elders discussed  
10 the building freeze with them is powerful evidence that the freeze was common knowledge at  
11 that time. Tr. at 5, 47, AR 101, 143. Also common knowledge would have been the evictions  
12 from nearby Bluebird and Echo Canyons in District 6, eight months earlier in November, 1972.

13 Bluebird Canyon is only 4 or 5 miles from Jeddito. Word of the Hopi burning of hogans  
14 in Echo Canyon and eviction of residents in both areas would have travelled to nearby  
15 communities well before June, 1973,<sup>6</sup> the time of the wedding ceremony. While the evictions  
16 from District 6 and the relocation from the FJUA are separate legal events, to the Navajos they  
17 are both land disputes with the Hopi Tribe. To imply that Navajo families lived in a vacuum in  
18

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19 <sup>5</sup>"Our elders and our medicine people, the teachers of our traditional laws, values and  
20 principles must always be respected and honored if the people and the government are to  
21 persevere and thrive; the teachers of the elders and medicine people, their participation in the  
22 government and their contributions of the traditional values and principles of the Dine life way  
will ensure the growth of the Navajo Nation...." Navajo Nation Counsel Resolution CN-69-02,  
Exhibit A, 4-5 (November 13, 2002).

23 <sup>6</sup>The testimony of Finley Nelson and Danny George in case 87-0393-PCT-GLH (1988)  
24 was that on November 10, 1972, the Hopis came to Echo Canyon with guns, police and aircraft  
25 and set the residents' hogans on fire with their possessions still inside. A day later, busses  
[interpreted as "trucks" on page 44] came from Window Rock to transport the evictees there.  
26 *See* excerpts of testimony by Finley Nelson and Danny George, Finley Nelson and Anley Nelson  
v. NHIRC, Tr. of Finley Nelson Hearing at 15-19; 34-44 (October 12, 1984) attached as Exhibit  
27 2. Finley Nelson also testified at page 15 that the building freeze affected residents of District 6.

1 1973 and that "the" land dispute only became "official" on December 22, 1974 disregards the  
2 realities of life on the FJUA.

3  
4 4. THE FACT THAT PLAINTIFF DID NOT APPLY FOR  
5 RELOCATION BENEFITS UNDER "MOVED PURSUANT  
6 TO THE ACT REGULATIONS" HAS NO BEARING ON  
7 THE FINAL ADJUDICATION OF HER CLAIM.

8 Defendant in his Statement of Facts, paragraph 1 notes that Plaintiff Dora Dean Mike did  
9 not apply under "Moved Pursuant to the Act" regulations on March 6, 1980. This is entirely  
10 irrelevant to the adjudication of her claim. Plaintiff's application for benefits was the same form  
11 used for residents of District 6, the HPL and the NPL. ONHIR supplies the quarter quad (QQL)  
12 or homesite location often from information provided by the applicant, but it not uncommon for  
13 that quarter quad location to be inaccurate or reflective of only one of an applicant's multiple  
14 homesites. The theory under which an applicant's claim to benefits is pursued is discussed with  
15 ONHIR at an explanatory conference prior to the hearing. The Explanatory Conference Record  
16 dated January 31, 1997 verifies that Plaintiff was claiming eligibility based on "Section B" or  
17 "Moved Pursuant to the Act" regulations. AR 66. In her opening statement, Plaintiff's Counsel  
18 merely reiterated what ONHIR already knew. Tr. at 2, AR 98.

19 5. DEFENDANT'S STATEMENT OF FACTS, PARAGRAPH 27  
20 IS INCORRECT. NELLIE MIKE ADVISED HER SON  
21 HE COULD REPAIR AND OWN THE FAMILY HOME AFTER  
22 SHE HAD MOVED TO GALLUP, BUT BEFORE SHE  
23 RETURNED TO ROCK SPRINGS IN 1978 or 1979.

24 In his Statement of Facts, Defendant asserts that Plaintiff's mother, Nellie Mike advised  
25 Larry before she moved to Gallup in 1974 that he could own and repair her home. This is a  
26 misreading of the testimony:

27  
28  
29 SNOW: You testified earlier that you lived with Larry and  
Dora for a year and then moved to Gallup. Was it  
about 1978 when you came back to Rock Springs  
for your new home?  
INTERP/N.MIKE: Yes, it's around that time.

1 SNOW: Did you build your new home in Rock Springs  
yourself?  
2 INTERP/N.MIKE: Yes. And my son also helped me.  
3 SNOW: Did you decide at some point to give the home  
where Larry and Dora were staying to them?  
4 INTERP/N.MIKE: Yes, I told him he could have it and I told him  
to go ahead and fix it back up and stay in it.  
I told both of them that.  
5 SNOW: Did you tell them that before *you moved back*  
*from Gallup*?  
6 INTERP/N.MIKE: Yes.  
7 SNOW: And is that when Larry remodeled the home they  
were living in?  
8 INTERP/N.MIKE: Yes.

9 Tr. at 51, AR 147, emphasis supplied.

10 Nellie's testimony was that she moved to Gallup in 1974, lived there about five years,  
11 then returned to Rock Springs as a new home was being built for her. Tr. at 49, 51, AR 145,  
12 147. Before she moved back from Gallup in 1978 or 1979, she told Larry he could repair the  
13 home. Id at 51. The significance of the testimony is that in Defendant's reading, Nellie advised  
14 her son he could own the home permanently sometime in 1974, presumably before December 22,  
15 1974. That would more likely support Defendant's claim that the move to Rock Springs was  
16 permanent as early as June, 1973 despite Plaintiff's extensive and consistent testimony to the  
17 contrary. Nellie Mike's testimony, however, was that she authorized Larry's repair and  
18 ownership sometime before moving back to Rock Springs from Gallup in 1978 or 1979. As  
19 Nellie lived in Gallup for about five years, it is more likely she decided to give Larry the older  
20 Rock Springs home only after she knew she was receiving a new home of her own. Larry  
21 himself testified that when he and Dora first occupied the home in 1973, it was already in good  
22 condition, and he did not repair it at that time. Tr. at 39, AR 135.

## 23 CONCLUSION

24 The Defendant argues the Hearing Officer's denial of Plaintiff Larry Mike is neither  
25 arbitrary or capricious, nor contrary to Law. Plaintiff argues substantial evidence supports the  
26 couple's legal residence in Jeddito NPL on December 22, 1974 and their "move pursuant to the  
27



1 Act” in July, 1978. Clearly the couple would have lived in Jeddito had they been able to build a  
2 home there; it was only with the passage of considerable time they settled in Rock Springs  
3 permanently.

4 Respectfully submitted this 27th day of March, 2007.

5  
6 NAVAJO-HOPI LEGAL SERVICES PROGRAM

7  
8 s/Betsy Lynn Snow  
Attorney for Plaintiff

9 CERTIFICATE OF SERVICE

10 I hereby certify that on March 27, 2007, I electronically transmitted the Memorandum of  
11 Points and Authorities in Support of Plaintiff’s Reply to Defendant’s Response to Plaintiff’s  
12 Motion for Summary Judgment and Plaintiff’s Response to Defendant’s Cross-Motion for  
Summary Judgment to the Clerk’s Office using the ECF system. A Notice of Electronic Filing  
13 was also transmitted to the following ECF registrant, and a courtesy copy provided by mail:

14 Patrick J. Schneider  
Assistant U.S. Attorney  
15 Two Renaissance Square  
40 N. Central Avenue, Suite 1200  
16 Phoenix, Arizona 85004-4408

17  
18 s/Betsy Lynn Snow  
Navajo-Hopi Legal Services Program  
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# EXHIBIT 1

RESOLUTION OF THE  
NAVAJO NATION COUNCIL

Amending Title 1 of the Navajo Nation Code to Recognize the  
Fundamental Laws of the Diné

WHEREAS:

1. The Navajo Nation Council is the governing body of the Navajo Nation, as provided for in 2 N.N.C. §102 (A); and
2. The Diné have always been guided and protected by the immutable laws provided by the Diyin, the Diyin Diné é, Nahasdzáá and Yádilhil; these laws have not only provided sanctuary for the Diné Life Way but has guided, sustained and protected the Diné as they journeyed upon and off the sacred lands upon which they were placed since time immemorial; and
3. It is the duty of the Nation's leadership to preserve, protect and enhance the Diné Life Way and sovereignty of the people and their government; the Nation's leaders have always lived by these fundamental laws, but the Navajo Nation Council has not acknowledged and recognized such fundamental laws in the Navajo Nation Code; instead the declaration and practice of these fundamental laws have, up to this point in time, been left to those leaders in the Judicial Branch; and
4. The Navajo Nation Council is greatly concerned that knowledge of these fundamental laws is fading, especially among the young people; the Council is also concerned that this lack of knowledge may be a primary reason why the Diné are experiencing the many negative forms of behavior and natural events that would not have occurred had we all observed and lived by these laws; and
5. The Navajo Nation Council finds that the Diné Life Way must be protected and assured by incorporating these fundamental laws into the Navajo Nation Code in a manner that will openly acknowledge and recognize their importance and would generate interest to learn among all Diné; and

6. The Navajo Nation Council finds that the acknowledgement, recognition and teaching of these laws do not contravene 1 N.N.C. §4; the incorporation of these fundamental laws into the Navajo Nation Code is not governmental establishment of religion nor is it prohibiting the free exercise of religion; the Navajo Nation Council and the Diné have always recognized and respected the principle of these fundamental laws and the Diné Life Way that all Diné have the right and freedom to worship as they choose; and the Navajo Nation Council and the Diné recognize that the Diné Life Way is a holistic approach to living one's life whereby one does not separate what is deemed worship and what is deemed secular in order to live the Beauty Way; and

7. The Navajo Nation Council further finds that it is entirely appropriate for the government itself to openly observe these fundamental laws in its public functions such as the installation or inauguration of its leaders and using and placing the appropriate symbols of the Diné Life Way in its public buildings and during legislative and judicial proceedings; and

8. The Navajo Nation Council further finds that all elements of the government must learn, practice and educate the Diné on the values and principles of these laws; when the judges adjudicate a dispute using these fundamental laws, they should thoroughly explain so that we can all learn; when leaders perform a function using these laws and the symbols of the Diné Life Way, they should teach the public why the function is performed in a certain way or why certain words are used; and

9. The Navajo Nation Council further finds that all the details and analysis of these laws cannot be provided in this acknowledgement and recognition, and such an effort should not be attempted; the Navajo Nation Council finds that more work is required to elucidate the appropriate fundamental principles and values which are to be used to educate and interpret the statutory laws already in place and those that may be enacted; the Council views this effort today as planting the seed for the education of all Diné so that we can continue to Walk In Beauty; and

10. The Navajo Nation Council commends the Honorable Edward T. Begay, the Speaker of the Navajo Nation Council, Mr. Henry Barber and Legislative Staff, and all the medicine people and elders who assisted in the development of this proposed legislation; the Council deems it in the best interest of the Navajo Nation to adopt the proposed legislation attached hereto as Exhibit "A" and incorporated herein by reference.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby amends Title 1 of the Navajo Nation Code by adopting the attached legislation, marked Exhibit "A".

2. The Navajo Nation Council directs the Office of Legislative Counsel to codify this legislation.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 45 in favor, 4 opposed and 1 abstained, this 1<sup>st</sup> day of November 2002.



Ralph Bennett, Jr.  
Speaker Pro Tem  
Navajo Nation Council

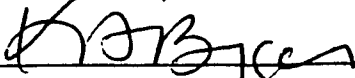
11-08-02

Date

Motion: Harold Wauneka  
Second: Freddie Howard

**ACTION BY THE NAVAJO NATION PRESIDENT:**

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005 (C) (10), on this 13<sup>th</sup> day of November 2002.



---

Kelsey A. Begaye, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005(C)(10) this \_\_\_\_\_ day of \_\_\_\_\_ 2002 for the reason(s) expressed in the attached letter to the Speaker.

---

Kelsey A. Begaye, President  
Navajo Nation

Title 1  
General Provisions  
Chapter 1. The Foundation of the Diné, Diné Law and Diné Government

§ 1. Diné Bi Beehaz'áanii Bitsé Siléí -Declaration of the Foundation of Diné Law

We, the Diné, the people of the Great Covenant, are the image of our ancestors and we are created in connection with all creation.

Diné Bi Beehaz'áanii Bitsé Siléí

Diyin Dine'é,  
Sin dóó sodizin,  
Bee  
Nahasdzáán dóó yádilhil nitsáhákees yil hadeidiilaa,  
Tó dóó dzil diyinii nahat'á yil hadeidiilaa,  
Nílch'i dóó nanse' altaas'éi iiná yil hadediilaa,  
Kq', adinííín dóó ntl'iz náadahaniihjì' sihasin yil hadediilaa.  
Díí ts'ídá aláajì' nihi beehaz'áanii bitse siléí nihá' ályaa.  
Nitsáhákees éi nahat'á bitsé silá.  
Iná éi sihasin bitsé silá.  
Hanihi'diilyaadi díí nihiihdaahya' dóó bee hadíníít'é.  
Binahjì' nihéého'díizingíí éíí:  
Nihízhì',  
Ádóone'é niidlíinii,  
Nihinéí',  
Nihee ó'ool jìl',  
Nihi chaha'oh,  
Nihi kék'ehashchíín.  
Díí bik'ehgo Diyin Nohookáá Diné nihi'doo'niid.  
Kodóó dah'adiníísá dóó dah'adiidéél.  
Áko dííshjígí éi nitsáhákees, nahat'á, iiná, saad, oodlǎ',  
Dóó beehaz'áanii al'áa ádaat'éego nihitah nihwiileeh,  
Ndi nihi beehaz'áanii bitsé siléí nhá ndaahya'áa t'ahdii doo lahgo ánéehda.  
Éi biniinaa t'áa nanihi'deelyáháa doo nílch'i diyin hinááh nihiihdaahya'áa  
ge'át'éigo,  
T'áa Diné niidlíígo náásgóó ahool'á.

The Holy People ordained,  
Through songs and prayers,  
That  
Earth and universe embody thinking,  
Water and the sacred mountains embody planning,  
Air and variegated vegetation embody life,  
Fire, light, and offering sites of variegated sacred stones embody wisdom.  
These are the fundamental tenets established.  
Thinking is the foundation of planning.  
Life is the foundation of wisdom.  
Upon our creation, these were instituted within us and we embody them.

Accordingly, we are identified by:

Our Diné name,

Our clan,

Our language,

Our life way,

Our shadow,

Our footprints.

Therefore, we were called the Holy Earth-Surface-People.

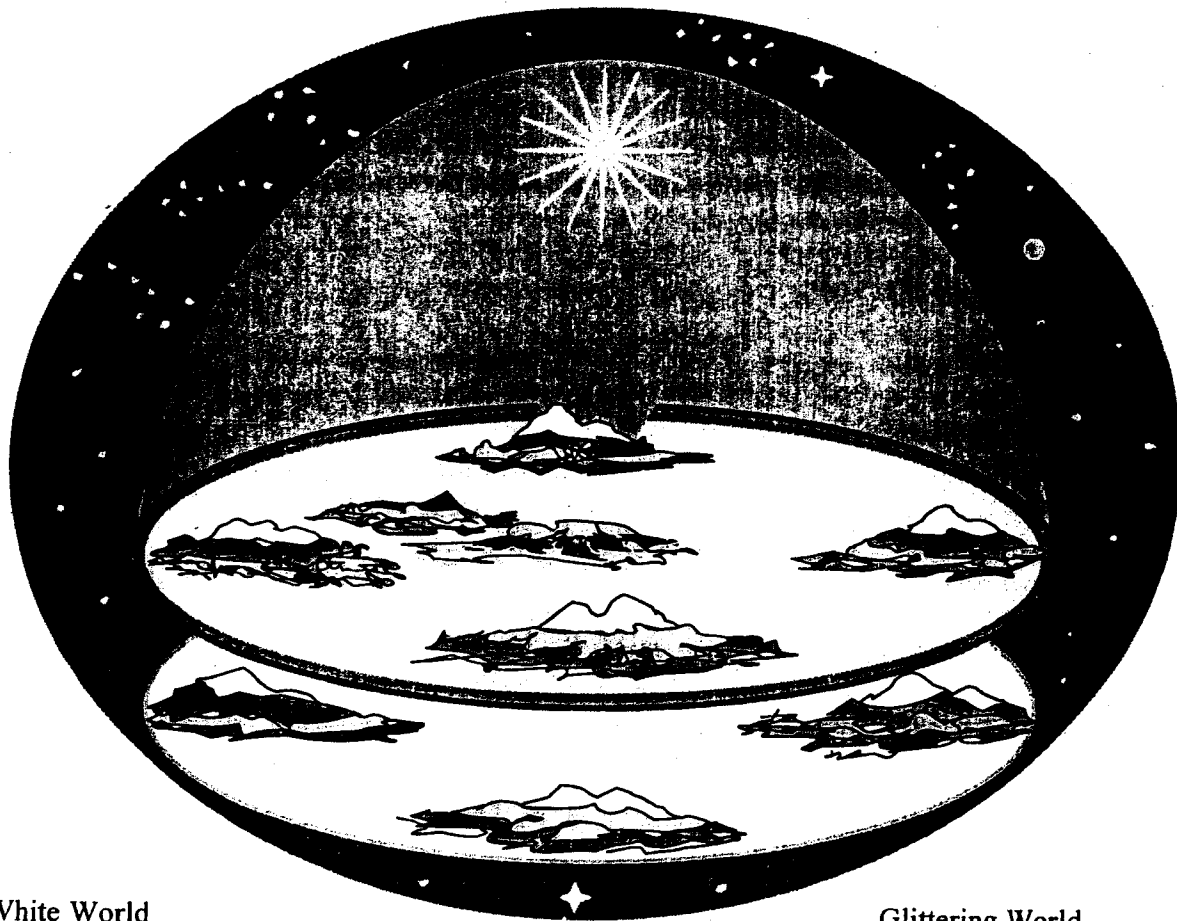
From here growth began and the journey proceeds.

Different thinking, planning, life ways, languages, beliefs, and laws appear among us,

But the fundamental laws placed by the Holy People remain unchanged.

Hence, as we were created and with living soul, we remain Diné forever.<sup>1</sup>

### Mother Earth and Father Universe



White World

§ 2. Diné Bi Beenahaz'áanii

Glittering World

<sup>1</sup> The Navajo Nation is grateful to Mike Mitchell, Wilson Aronilth, Peggy Scott, Laura Wallace, the late Andrew Natonabah, and the late Dr. Dean Jackson who developed the declaration, with guidance from the Navajo Medicine-Men Association and Navajo Community College. The revision of the declaration interpretation was made by: Laura Wallace, Division of Diné Education; Roger Begay, Diné Language and Cultural Development – Division of Diné Education; and Henry Barber, Office of the Speaker.



The Diné bi beenahaz'áanii embodies Diyin bitsáádeé' beehaz'áanii (Traditional Law), Diyin Dine'é bitsáádeé' beehaz'áanii (Customary Law), Nahasdzáán dóó Yáidíhíł bitsáádeé' beehaz'áanii (Natural Law), and Diyin Nohookáá Diné bi beehaz'áanii (Common Law).

These laws provide sanctuary for the Diné life and culture, our relationship with the world beyond the sacred mountains, and the balance we maintain with the natural world.

These laws provide the foundation of Diné bi nahat'á (providing leadership through developing and administering policies and plans utilizing these laws as guiding principles) and Diné sovereignty. In turn, Diné bi nahat'á is the foundation of the Diné bi naat'á (government). Hence, the respect for, honor, belief and trust in the Diné bi beenahaz'áanii preserves, protects and enhances the following inherent rights, beliefs, practices and freedoms:

- A. The individual rights and freedoms of each Diné (from the beautiful child who will be born tonight to the dear elder who will pass on tonight from old age) as they are declared in these laws; and
- B. The collective rights and freedoms of the Diyin Nihookáá Diné as a distinct people as they are declared in these laws; and
- C. The fundamental values and principles of Diné Life Way as declared in these laws; and
- D. Self-governance; and
- E. A government structure consisting of Hózhóqjí Nahat'á (Executive Branch), Naat'áji Nahat'á (Legislative Branch), Hashkééjį Nahatá (Judicial Branch), and the Naayee'jį Nahat'á (National Security Branch); and
- E. That the practice of Diné bi nahat'á through the values and life way embodied in the Diné bi beenahaz'áanii provides the foundation of all laws proclaimed by the Navajo Nation government and the faithful adherence to Diné Bi Nahat'á will ensure the survival of the Navajo Nation; and
- G. That Diné bi beenahaz'áanii provides for the future development and growth of a thriving Navajo Nation regardless of the many different thinking, planning, life ways, languages, beliefs, and laws that may appear within the Nation; and
- H. The right and freedom of the Diné to be educated as to Diné Bi Beenahaz'áanii; and

- I. That Diné Bi Beenahaz'áanii provides for the establishment of governmental relationships and agreements with other nations; that the Diné shall respect and honor such relationships and agreements and that the Diné can expect reciprocal respect and honor from such other nations; and

**§3. Diyin Bits'áádéé' Beehaz'áanii -Diné Traditional Law**

The Diné Traditional Law declares and teaches that:

- A. It is the right and freedom of the Diné to choose leaders of their choice; leaders who will communicate with the people for guidance; leaders who will use their experience and wisdom to always act in the best interest of the people; and leaders who will also ensure the rights and freedoms of the generations yet to come; and
- B. All leaders chosen by the Diné are to carry out their duties and responsibilities in a moral and legal manner in representing the people and the government; the people's trust and confidence in the leaders and the continued status as a leader are dependent upon adherence to the values and principles of Dine bi beenahaz'áanii; and
- C. The leader(s) of the executive branch (Aláají Hózhóójí Naat'ááh) shall represent the Navajo Nation to other peoples and nations and implement the policies and laws enacted by the legislative branch; and
- D. The leader(s) of the legislative branch (Aláají' Naat'áji Naat'ááh and Aláají' Naat'áji Ndaanit'áii or Naat'aanii) shall enact policies and laws to address the immediate and future needs; and
- E. The leader(s) of the judicial branch (Aláají' Haskééjí Naat'ááh) shall uphold the values and principles of Diné bi beenahaz'áanii in the practice of peace making, obedience, discipline, punishment, interpreting laws and rendering decisions and judgments; and
- F. The leader(s) of the security branch (Aláají' Naayéé'jí Naat'ááh) are entrusted with the safety of the people and the government. To this end, the leader(s) shall maintain and enforce security systems and operations for the Navajo Nation at all time and shall provide services and guidance in the event of severe national crisis or military-type disasters; and
- G. Our elders and our medicine people, the teachers of the traditional laws, values and principles must always be respected and honored if the people and the

government are to persevere and thrive; the teachings of the elders and medicine people, their participation in the government and their contributions of the traditional values and principles of the Diné life way will ensure the growth of the Navajo Nation; and from time to time, the elders and medicine people must be requested to provide the cleansing, protection prayers, and blessing ceremonies necessary for securing healthy leadership and the operation of the government in harmony with traditional law; and

- H. The various spiritual healings through worship, song and prayer (Nahaghá) must be preserved, taught, maintained and performed in their original forms; and
- I. The Diné and the government must always respect the spiritual beliefs and practices of any person and allow for the input and contribution of any religion to the maintenance of a moral society and government; and
- J. The Diné and the government can incorporate those practices, principles and values of other societies that are not contrary to the values and principles of Diné Bi Beenahaz'áanii and that they deem is in their best interest and is necessary to provide for the physical and mental well-being for every individual.

**§4. Divin Dine'é Bitsáádeé Beehaz'áanii-Diné Customary Law**

The Diné Customary Law declares and teaches that:

- A. It is the right and freedom of the people that there always be holistic education of the values and principles underlying the purpose of living in balance with all creation, walking in beauty and making a living; and
- B. It is the right and freedom of the people that the sacred system of k'é, based upon the four clans of Kiiyaa'áanii, Todích'iínii, Honagháahnii and Hasht'ishnii and all the descendant clans be taught and preserved; and
- C. It is the right and freedom of the people that the sacred Diné language (nihiinéí') be taught and preserved; and
- D. It is the right and freedom of the people that the sacred bonding in marriage and the unity of each family be protected; and
- E. It is the right and freedom of the people that every child and every elder be respected, honored and protected with a healthy physical and mental environment, free from all abuse.

- F. It is the right and freedom of the people that our children are provided with education to absorb wisdom, self-knowledge, and knowledge to empower them to make a living and participate in the growth of the Navajo Nation.

**§ 5. Nahasdzaán dóó Yádlhil Bits'áádéé' Beehaz'áanii -Diné Natural Law,**

Dine Natural Law declares and teaches that:

- A. The four sacred elements of life, air, light/fire, water and earth/pollen in all their forms must be respected, honored and protected for they sustain life; and
- B. The six sacred mountains, Sisnaajini, Tsoodzil, Dook'o'osliid, Dibé Nitsaa, Dził Na'oodihii, Dził Ch'ool'í'í, and all the attendant mountains must be respected, honored and protected for they, as leaders, are the foundation of the Navajo Nation; and
- C. All creation, from Mother Earth and Father Sky to the animals, those who live in water, those who fly and plant life have their own laws and have rights and freedoms to exist and;
- D. The Diné have the sacred obligation and duty to respect, preserve and protect all that was provided for we were designated as the steward for these relatives through our use of the sacred gifts of language and thinking; and
- E. Mother Earth and Father Sky is part of us as the Diné and the Diné is part of Mother Earth and Father Sky; The Diné must treat this sacred bond with love and respect without exerting dominance for we do not own our mother or father.
- F. The rights and freedoms of the people to the use of the sacred elements of life as mentioned above and to the use of land, natural resources, sacred sites and other living beings must be accomplished through the proper protocol of respect and offering and these practices must be protected and preserved for they are the foundation of our spiritual ceremonies and the Diné life way; and
- G. It is the duty and responsibility of the Diné to protect and preserve the beauty of the natural world for future generations;

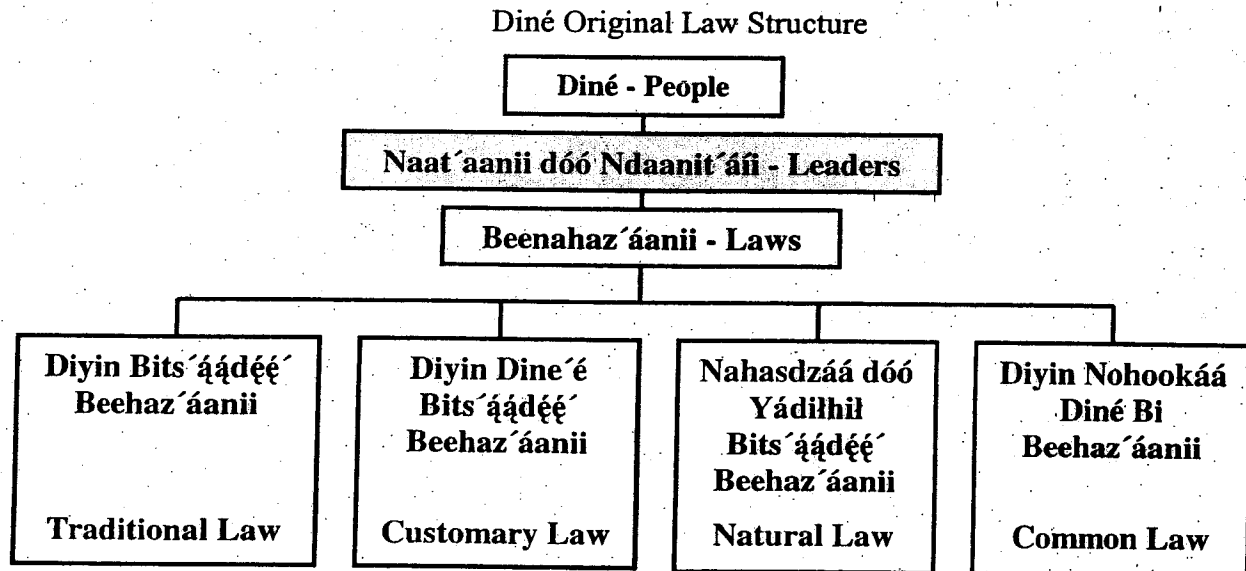
**§6. Diyin Nohookáá Diné Bi Beehaz'áanii- Diné Common Law,**

The Diné Common Law declares and teaches that:

- A. The knowledge, wisdom, and practices of the people must be developed and exercised in harmony with the values and principles of the Diné Bi

Beenahaz'áanii; and in turn, the written laws of the Navajo Nation must be developed and interpreted in harmony with Diné Common Law; and

- B. The values and principles of Diné Common Law must be recognized, respected, honored and trusted as the motivational guidance for the people and their leaders in order to cope with the complexities of the changing world, the need to compete in business to make a living and the establishment and maintenance of decent standards of living; and
- C. The values and principles of Diné Common Law must be used to harness and utilize the unlimited interwoven Diné knowledge, with our absorbed knowledge from other peoples. This knowledge is our tool in exercising and exhibiting self-assurance and self-reliance and in enjoying the beauty of happiness and harmony; and



## EXHIBIT 2

1	UNITED STATES GOVERNMENT
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3	In the Matter of the Appeal )
4	of FINLEY NELSON ) No. 3641
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14	BEFORE: HAROLD J. MERKOW, Hearing Officer
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18	
19	October 12, 1984
20	Navajo Hopi Indian Relocation Commission
21	Flagstaff, Arizona
22	
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1		
2	EXAMINATION OF WITNESSES	
3	FINLEY NELSON, Applicant	
4	Direct Examination by Mr. Austin . . . . .	4
5	Cross Examination by Mr. Tessler . . . . .	21
6	Redirect Examination by Mr. Austin . . . . .	29
7	Exam of Hearing Officer by Mr. Merkow . . . . .	30
8	Reexamination by Mr. Austin . . . . .	32
9	Reexamination by Mr. Tessler . . . . .	33
10	DANNY GEORGE	
11	Direct Examination by Mr. Austin . . . . .	34
12	Direct Examination by Mr. Osetek . . . . .	40
13	Cross Examination by Mr. Tessler . . . . .	41
14	Exam of Hearing Officer by Mr. Merkow . . . . .	43
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17	RAYMOND NELSON	
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20	Direct Examination by Mr. Osetek . . . . .	55
21	Cross Examination by Mr. Tessler . . . . .	64
22	Redirect Examination by Mr. Austin . . . . .	65
23		
24		
25		



1 Q Did you have personal property anywhere else other  
2 than Echo Canyon on November 10, 1972?

3 A None.

4 Q Did you own any hogans outside District 6 on  
5 November 10th, 1972?

6 A (Shakes head) I didn't have any house outside  
7 because, you know, there was a law against it. I couldn't do  
8 that. People would not let me do that. This land dispute  
9 is why we couldn't just build anywhere. It's been going on  
10 for a long time.

11 Q On November 10th, 1972 did you own anything outside  
12 District 6?

13 A None outside.

14 Q What happened to your hogan that was in District 6?

15 A It was -- they burned it. They burned it all in  
16 one day. I didn't see it though. Danny George witnessed  
17 that.

18 Q Who burned the hogan?

19 MR. TESSLER: Objection. He stated he didn't see that;  
20 he can't answer.

21 MR. MERKOW: That's right.

22 MR. AUSTIN:

23 Q When was the first time --

24 MR. CSETEK: Which rules of evidence are we using?

25 MR. MERKOW: The rules are relaxed because it's an

1 administrative hearing; but nonetheless it was hearsay.

2 MR. OSETEK: Which is a relaxed rule that would  
3 allow hearsay.

4 MR. MERKOW: Not in this case. I'm not allowing that  
5 answer.

6 MR. OSETEK: Well, I object, take exception.

7 MR. AUSTIN:

8 Q After November 10, 1972, when was the first time  
9 that you went back to Echo Canyon where your hogan was?

10 A I didn't go to my house on that day or after. I  
11 went straight to my relatives in Window Rock and I started  
12 thinking of filing a complaint and I was looking for someone  
13 or an attorney that could help me and I went to see a man in  
14 Albuquerque named Bob Sure (phonetic) after I talked with my  
15 relatives but at that hogan there was nothing there.

16 Q Approximately how long after November 10th, 1972  
17 did you go back to Echo Canyon?

18 A One week later.

19 Q What did you see there?

20 A Each house was burnt and I went to each one of  
21 them. There is also another house that belonged to a man  
22 named Kabinto. That was a little ways from where we all  
23 lived and they did the same thing there. There was nothing  
24 there.

25 Q Did you have any personal property in the hogan

1 that you owned when it was burned?

2 A Yes. It was in the hogan.

3 Q Have you ever owned any livestock?

4 A Yes, I did. I sold them all. Because of Robert  
5 Bennett's freeze I sold my livestock.

6 Q Approximately when was this?

7 A When Clarence Hamilton and Nakki was chairman.

8 Q About what years or what period of time are you  
9 talking about?

10 A I don't recall the exact years. I don't recall  
11 the exact years because, you know, it's been quite a while  
12 but right after, everything was fresh in my memory. The  
13 Navajos, we couldn't foresee these disputes going on to this  
14 day.

15 Q When you went over to your father-in-law's  
16 residence, Joe Skunk, in October 1972, who went with you?

17 A Just me and my wife.

18 Q Where were your kids at?

19 A They were in school.

20 Q Have you ever met Mr. Jim Dalgai?

21 A Yes.

22 Q When did you meet him?

23 A When I applied here is when I got to know him.

24 Q Did you ever tell him that you moved out of  
25 District 6 in 1962?

1           A     No. Jim Dalgai came out to see me at Echo Canyon.  
2 I went with him to my hogan and told him that here is where  
3 we live and this was certain people's houses and all my  
4 relatives there and I told him -- He didn't go over there  
5 but I told him, just pointed out where the hogan where I  
6 lived at. That's where I lived at. He never went over  
7 there himself to look at each one of them because all of them  
8 burned.

9           Q     Where were you in 1963?

10          A     I think I was in the hospital then in Prescott.  
11 I can't hear that good.

12          Q     When did you enter Whipple Hospital in Prescott?

13          A     '62..

14          Q     How long did you stay there?

15          A     For a year.

16          Q     One week after November 10th, 1972 when you went  
17 back to Echo Canyon, did you see anything that was left of  
18 your residence?

19          A     There was nothing there.

20          Q     Was there still evidence of a hogan that was left  
21 after November 10th, 1972?

22          A     You could see it, you know, the foundation like  
23 structure of all the burned hogans. That's how it was.

24          Q     Can you still see the foundation today?

25          A     Yes, you can still see it even after all these

1 years.

2 MR. AUSTIN: I think that will be enough for me but  
3 maybe Mr. Osetek would like to ask some questions.

4 MR. MERKOW: Okay.

5 BY MR. OSETEK:

6 Q When did Joe Skunk die?

7 A It was very recently. I don't recall the exact  
8 date. Two or three. I don't recall the exact years.

9 Q When you were back in 1963, you were in the hospital,  
10 how long was your hospitalization? How many years were you  
11 in different hospitals at that point in time?

12 A After leaving Prescott I went and stayed at Fort  
13 Stip. After that I went to the Presbyterian Hospital and  
14 then to the Indian Hospital where I had my surgery.

15 Q How many years are we talking about?

16 A I don't know the exact number of years. Only  
17 my records would reflect the exact years.

18 Q Where was your family all that time when you were  
19 in the hospital, your wife and four, five, six children,  
20 whatever?

21 A They were back over with the hogan, was in Echo  
22 Canyon.

23 Q Was your family there during the whole time period  
24 when you were in the hospital?

25 A Yes. They were there.

1 (PROCEEDINGS TO RESUME AT 1:30; RESUMED 1:52 P.M.)

2

3

DANNY GEORGE,

4

having been first duly sworn through the interpreter to

5

tell the truth and nothing but the truth, was examined and

6

testified as follows:

7

8

DIRECT EXAMINATION

9

BY MR. AUSTIN:

10

Q Please state your name.

11

A Danny George.

12

Q Where are you from?

13

A White Cone.

14

Q Do you know Mr. Finley Nelson?

15

A Yes. He's my uncle.

16

Q How well do you know Mr. Finley Nelson?

17

A I know him very well. We come from the same

18

place.

19

Q Are you aware of the eviction that took place on

20

November 10, 1972?

21

A Yes.

22

Q Where were you at that time?

23

A I was in Window Rock at the fairgrounds. There

24

was a trailer put up for us, two tents.

25

Q Were you one of the people evicted from District

1 6?

2 A Yes.

3 Q What date did that take place?

4 A November 10, 1972.

5 Q Where were you at on November 10, 1972?

6 A I was in Window Rock.

7 Q Did you witness the eviction of District 6?

8 A I actually saw the whole thing because I was there.

9 Q What happened there on November the 10th -- I  
10 withdraw that.

11 On November 10th, 1972 and prior to that, where  
12 were you living?

13 A Right there where my house is at: Echo Canyon.  
14 I didn't live anywhere else.

15 Q Where were you born?

16 A At that same place.

17 Q How long has Mr. Finley Nelson lived in Echo  
18 Canyon?

19 A We lived there all in one place.

20 Q For how long?

21 A We were born and raised there.

22 Q What improvement did Mr. Finley Nelson have in  
23 Echo Canyon?

24 A He had a hogan there plus the sheep corral but we  
25 had to sell those.

1 Q When was the last time that Finley Nelson lived in  
2 Echo Canyon?

3 A He has always lived there and we moved out in 1972.

4 Q What was the -- what was it that you used to  
5 live in when you were living in Echo Canyon? What type of  
6 structure did you live in when you were living in Echo  
7 Canyon?

8 A It was made out -- it had a rock foundation.  
9 There was logs, stick built with dirt on top.

10 Q Is that -- Was that a house?

11 A It was rock -- I mean, stickbuilt house.

12 Q Now, how far was your house from Finley Nelson's  
13 hogan?

14 A Very close distance. All of us lived within  
15 close distance from each other.

16 Q Was Mr. Finley Nelson living there in February  
17 1972?

18 A Yes. He had a hogan there.

19 Q How about in July 1972?

20 A Yes, he was living there.

21 Q How about in October 1972?

22 A He lived there.

23 Q At any time during October 1972 did Mr. Finley  
24 Nelson leave that place and go somewhere else?

25 MR. LAUGHTER: After October?



1 MR. AUSTIN:

2 Q During October 1972.

3 A None. He didn't go anywhere.

4 Q Were you living there in the same area in October  
5 1972?

6 A Yes.

7 Q Were you physically present there during that  
8 whole month of October 1972?

9 A Yes.

10 Q Where was Finley Nelson at on November 10, 1972?

11 A He was at home.

12 MR. AUSTIN: That was an incorrect interpretation. I  
13 asked where was Mr. Finley Nelson at November 1972.

14 MR. MERKOW: Is that what you asked?

15 MR. LAUGHTER: I didn't say the 10th.

16 MR. MERKOW: You have to be specific; say November 10th,  
17 1972.

18 MR. LAUGHTER:

19 Q (Interprets)

20 A He was at his in-laws for two days and that's when  
21 they burned down his house with all his utensils and stuff  
22 like that.

23 MR. AUSTIN:

24 Q Did you witness the burning of Mr. Finley Nelson's  
25

1 hogan?

2 A Yes.

3 Q Who did the burning?

4 A They were Hopi police that they brought in and  
5 there was also an Anglo man from Tucson there.

6 Q What was it that was all burned that day?

7 A All our houses were burned, hogans.

8 Q To your knowledge, prior to November 10, 1972 has  
9 Mr. Finley Nelson resided any place else other than Echo  
10 Canyon?

11 A He has always resided there until they burned his  
12 house.

13 Q Had Mr. Finley Nelson ever resided for more than  
14 a week with his father-in-law?

15 A He only stayed there for two days. Then after his  
16 house was burned down, he followed us to Window Rock.

17 Q To your knowledge, has Mr. Finley Nelson ever  
18 owned any hogans or houses outside Echo Canyon?

19 A None.

20 Q How long have you known Mr. Finley Nelson's  
21 children?

22 A Ever since he got married because all those boys  
23 were born out there.

24 Q When Mr. Finley Nelson went over to his father-  
25 in-law's residence, who all went with him?

1 A Just his wife.

2 Q Where was Mr. Finley Nelson's children at that time?

3 A They were in school.

4 Q Are you aware of the four lists that were created  
5 on District 6 evictees?

6 A No, I don't know that.

7 Q Do you know if one of those lists has your name  
8 on it?

9 A I don't know what list you're talking about. Is  
10 it the list of people that have moved?

11 Q Have you applied to the Relocation Commission as  
12 a District 6 evictee?

13 A Yes.

14 MR. TESSLER: I'll stipulate he has applied and was  
15 found eligible and has moved already to my knowledge if  
16 that's your questioning.

17 MR. AUSTIN:

18 Q Do you know if Mr. Finley Nelson has ever been  
19 to a hospital prior to 1972?

20 A When he returned back from the services in 1945  
21 he started going to these hospitals.

22 Q How often did he go to these hospitals to your  
23 knowledge?

24 A Approximately one month at a time.

25 MR. AUSTIN: I have no further questions. Perhaps

1 Mr. Osetek has some questions.

2 BY MR. OSETEK (through Interpreter):

3 Q When Mr. Nelson was in the hospital for these  
4 visits, who stayed back at the hogan?

5 A Just his children. Who else?

6 Q His wife and children did not go with him to the  
7 hospital?

8 A No.

9 Q When Mr. Nelson went to visit his father -- his  
10 father-in-law in October of 1972 did he take all his personal  
11 belongings with him?

12 A No.

13 Q Did he tell you he was moving away from Echo  
14 Canyon forever?

15 A No, never said that.

16 Q Did he ask you to watch over his house until he  
17 came back?

18 A Yes.

19 Q Is there any question in your mind that he was  
20 coming back to Echo Canyon?

21 A It was very plain that he would come back because  
22 that's where he lived.

23 Q What remained of the hogan after it was burned  
24 down?

25 A He didn't -- There was nothing left of the hogan

1 and his possessions. He came out of there with, you know,  
2 no possessions.

3 Q Was there a wall or foundation remaining after the  
4 fire?

5 A Only thing you could see was -- you could see the  
6 stone foundation but there is no wall or stick or log.

7 Q Is that foundation still out there now?

8 A Yes.

9 MR. OSETEK: I have no further questions.

10 MR. MERKOW: You may cross examine.

11

12 CROSS EXAMINATION

13 BY MR. TESSLER (through Interpreter):

14 Q Mr. George, were you at Finley Nelson's wedding?

15 A No.

16 Q Do you know where he got married?

17 A At his wife's house because this is the Navajo  
18 traditional way.

19 Q Where did Finley and his wife go to live after  
20 the marriage?

21 A Echo Canyon where the hogan was.

22 Q Why didn't he go live with his wife?

23 MR. OSETEK: Objection.

24 MR. MERKOW: I'm not sure this witness is capable of  
25 knowing that.

1 MR. OSETEK: It's irrelevant.

2 MR. MERKOW: Unless he had a conversation with Mr. Nelson  
3 about that.

4 MR. TESSLER: I'll withdraw the question.

5 Q Do most Navajo men go live at their wife's place  
6 when they are married?

7 MR. OSETEK: I object. We're talking about a specific  
8 situation and not Navajo traditions. If he wants to bring  
9 an expert in on Navajo traditions I'll allow it.

10 MR. MERKOW: What is the purpose of the line of question-  
11 ing?

12 MR. TESSLER: To find out if in fact he went to live  
13 with his wife.

14 MR. OSETEK: Just ask him that if --

15 MR. MERKOW: You asked him that and he said no.

16 MR. TESSLER: I'll withdraw it.

17

18 (CONVERSATION, MR. TESSLER/MR. OSETEK)

19

20 MR. MERKOW: Don't talk to each other.

21 MR. TESSLER (through Interpreter):

22 Q Do you know Mr. Nelson's children?

23 A Yes, I know them all.

24 Q Do they have relatives in Jeddito, in the Skunk  
25 Springs area?

1 A Yes.

2 Q Where were Finley Nelson's kids raised?

3 A Echo Canyon.

4 Q Did they -- Do Finley Nelson's kids have -- No,  
5 I'll withdraw that.

6 MR. TESSLER: I have no other questions of this witness.

7 MR. MERKOW: Any redirect?

8 MR. AUSTIN: I have no questions.

9

10 EXAMINATION BY HEARING OFFICER

11 BY MR. MERKOW (through Interpreter):

12 Q How many people were evicted from Echo Canyon  
13 on November 10, 1972?

14 A There was two separate groups. One was the  
15 Kabintos. I don't know how many -- There was two groups. One  
16 was the Kabinto. I don't know how many children they had.  
17 And there was us. We lived on top of a mesa. I don't  
18 know the exact number because six members deceased and my  
19 sister had a list of the names on paper and she said she  
20 would bring it but she didn't come. I could bring it later.

21 Q Tell me what happened that day.

22 A It's not easy in moving us out. They brought in  
23 guns, Hopi police. There was helicopters above us and all  
24 our houses were burning. It's not a helicopter but an  
25 airplane.

1 Q Where did you go when you were evicted?

2 A We were sitting there with our blankets. Then  
3 the following day trucks came in from Window Rock that took  
4 us out.

5 Q How long did you stay in Window Rock?

6 A I lived there for six years.

7 Q Did Finley Nelson come to Window Rock?

8 A Yes.

9 Q When?

10 A In 1972. He followed us there.

11 Q How long did he stay in Window Rock?

12 A About one week.

13 MR. MERKOW: Do either one of you have any questions  
14 in light of my questions?

15 MR. TESSLER: No.

16 MR. MERKOW: Mr. Austin?

17 MR. AUSTIN: Yes.

18

19 REEXAMINATION

20 BY MR. AUSTIN (through Interpreter):

21 Q Did you have any other place to go after you were  
22 evicted besides Window Rock?

23 A That was the only place. It was only so many years  
24 after that that I went to White Cone and approached my grand-  
25 father if I could live there and I have a one and a half